

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

YEVGENI OSTROVSKI,

Plaintiff,

V.

JOHNNY BROUSSARD, SYLVIE
LABATO,

Defendants.

No. C13-5421 BHS/KLS

**ORDER REGARDING SERVICE OF
DEFENDANTS' MOTION TO DISMISS**

On August 9, 2013, Defendants Johnny Broussard and Sylvie Labato filed a motion to dismiss. ECF No. 17. The motion was noted for September 6, 2013. *Id.* The motion indicates that on August 9, 2013, Defendants served a copy of their motion on the Plaintiff Yervgeni Ostrovski, at the address of the Northwest Detention Center (NWDC), where Plaintiff was detained at the time he filed his suit. *Id.*, p. 5. On the same day, August 9, 2013, Plaintiff filed with the Court and served counsel for Defendants with a notice that his address has changed. ECF Nos. 18 and 19. On September 6, 2013, Defendants filed a reply stating that Plaintiff has failed to file papers in opposition to their motion to dismiss. The certificate of service on Defendants' reply indicates that a copy was sent to Plaintiff at his new address. ECF No. 20.

Based on the foregoing, the Court is unable to determine if Plaintiff was ever served with Defendants' motion to dismiss as it is apparent that he had left the NWDC shortly before Defendants mailed their motion to Plaintiff at the NWDC.

ORDER - 1

1 Accordingly, it is **ORDERED**:

2 (1) Defendants are directed to either (a) serve the motion to dismiss on Plaintiff at his
3 current address and re-note the motion; or (b) provide the Court with proof that the motion to
4 dismiss was properly served on Plaintiff. Defendants shall provide a response to this Order **on**
5 **or before September 20, 2013.**

6 (2) The Clerk shall send a copy of this Order to Plaintiff and counsel for Defendants.
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9 **DATED** this 11th day of September, 2013.

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12 Karen L. Strombom
United States Magistrate Judge
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